

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

TIMOTHY DANIEL FINLEY,

Petitioner,

v.

**GARRETT LANEY, Superintendent,
Oregon State Correctional Institution,**

Respondent.

Case No. 6:18-cv-00931-SB

ORDER

IMMERGUT, District Judge.

Petitioner Timothy Daniel Finley, an individual in custody at the Oregon State Correctional Institution, filed a Petition for Writ of Habeas Corpus (“Habeas Petition”) pursuant to 28 U.S.C. § 2254, challenging a 2014 decision by the Oregon Board of Parole and Post-Prison Supervision. ECF 1. Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) on March 24, 2020, recommending that this Court deny Petitioner’s Habeas Petition (ECF 1), dismiss the case with prejudice, and decline to issue a certificate of appealability. ECF 38. Petitioner timely filed objections to the F&R, ECF 40, to which Respondent replied. ECF 41.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's F&R, "the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether *de novo* or under another standard. *Thomas*, 474 U.S. at 154.

This Court has considered Petitioner's objections and reviewed Magistrate Judge Beckerman's F&R *de novo*. Finding no error, this Court adopts Magistrate Judge Beckerman's F&R. ECF 38. Petitioner's Habeas Petition, ECF 1, is DENIED, and this case is DISMISSED with prejudice. This Court DECLINES to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right, as required under 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 8th day of April, 2020.



Karin J. Immergut
United States District Judge